

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-21.5-3-4, AS AMENDED BY P.L.54-2001,
- 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2002]: Sec. 4. (a) Notice must be given under this section
- 6 concerning the following:
- 7 (1) The grant, renewal, restoration, transfer, or denial of a license
- 8 by the bureau of motor vehicles under IC 9.
- 9 (2) The grant, renewal, restoration, transfer, or denial of a
- 10 noncommercial fishing or hunting license by the department of
- 11 natural resources under IC 14.
- 12 (3) The grant, renewal, restoration, transfer, or denial of a license
- 13 by a board described in IC 25-1-8-1.
- 14 (4) The grant, renewal, suspension, revocation, or denial of a

certificate of registration under IC 25-5.2.

(5) A personnel decision by an agency.

(6) The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the following:

(A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:

(i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or

(ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water ~~supply system~~ (as defined in ~~IC 13-11-2-177~~) **IC 13-11-2-177.3**) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water ~~supply~~; **system;**

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.

(E) IC 13-15-10 for a person to operate the following:

(i) A solid waste incinerator or a waste to energy facility.

(ii) A land disposal site.

(iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the

1 agency shall give a written notice of the order to the following persons:

2 (1) Each person to whom the order is specifically directed.

3 (2) Each person to whom a law requires notice to be given.

4 A person who is entitled to notice under this subsection is not a party
5 to any proceeding resulting from the grant of a petition for review
6 under section 7 of this chapter unless the person is designated as a
7 party on the record of the proceeding.

8 (c) The notice must include the following:

9 (1) A brief description of the order.

10 (2) A brief explanation of the available procedures and the time
11 limit for seeking administrative review of the order under section
12 7 of this chapter.

13 (3) Any information required by law.

14 (d) An order under this section is effective when it is served.
15 However, if a timely and sufficient application has been made for
16 renewal of a license described by subsection (a)(3) and review is
17 granted under section 7 of this chapter, the existing license does not
18 expire until the agency has disposed of the proceeding under this
19 chapter concerning the renewal, unless a statute other than this article
20 provides otherwise. This subsection does not preclude an agency from
21 issuing under IC 4-21.5-4 an emergency or other temporary order with
22 respect to the license.

23 (e) If a petition for review of an order described in subsection (a) is
24 filed within the period set by section 7 of this chapter and a petition for
25 stay of effectiveness of the order is filed by a party or another person
26 who has a pending petition for intervention in the proceeding, an
27 administrative law judge shall, as soon as practicable, conduct a
28 preliminary hearing to determine whether the order should be stayed in
29 whole or in part. The burden of proof in the preliminary hearing is on
30 the person seeking the stay. The administrative law judge may stay the
31 order in whole or in part. The order concerning the stay may be issued
32 after an order described in subsection (a) becomes effective. The
33 resulting order concerning the stay shall be served on the parties and
34 any person who has a pending petition for intervention in the
35 proceeding. It must include a statement of the facts and law on which
36 it is based.

37 SECTION 2. IC 13-11-2-108, AS AMENDED BY P.L.72-1999,
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2002]: Sec. 108. "Industrial permit", for purposes of IC 13-14-8-11.6 and IC 13-18-20, refers to a National Pollutant Discharge Elimination System (NPDES) permit other than a permit issued to any of the following:

- (1) a municipal facility;
- (2) a state facility;
- (3) a federal facility;
- (4) a semipublic facility;
- (5) a public water ~~supply~~ **system** facility; or
- (6) a facility for storm water discharge."

Page 2, between lines 27 and 28, begin a new paragraph and insert:
 "SECTION 6. IC 13-11-2-177.3, AS AMENDED BY P.L.14-2000, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 177.3. "Public water system", for purposes of this chapter, ~~and IC 13-18-11~~, IC 13-18-21, **and other environmental management laws**, has the meaning set forth in 42 U.S.C. 300f."

Page 3, between lines 6 and 7, begin a new paragraph and insert:
 "SECTION 9. IC 13-11-2-259 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 259. "Water distribution system", for purposes of IC 13-18-11 and environmental management laws, means that part of the **public** water ~~supply~~ system in which water is conveyed from the water treatment plant to the premises of the consumer.

SECTION 10. IC 13-11-2-264 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 264. "Water treatment plant", for purposes of IC 13-18-11 and environmental management laws, means that part of the **public** water ~~supply~~ system that provides the water or in some way alters the physical, chemical, or bacteriological quality of the water.

SECTION 11. IC 13-15-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) This chapter applies to an application for a permit issued under IC 13-15-1 upon property:

- (1) that is undeveloped; or
- (2) for which a valid existing permit has not been issued.
- (b) This chapter does not apply to an application for a permit issued under IC 13-15-1 if the permit is for the construction, installation, or modification of any of the following:

- (1) A combined sewer.
- (2) A sanitary sewer.
- (3) A storm sewer.
- (4) A public water ~~supply~~ **system**.
- (5) A water main extension.

SECTION 12. IC 13-18-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) When a vacancy in a position of operator occurs due to death, resignation, extended illness, or a similar cause, the vacancy may be filled for a period not exceeding one (1) year by an operator with a provisional certification.

(b) On written request of the governing body or owner of a wastewater or **public** water ~~supply~~ system, the commissioner may issue a provisional certification under subsection (a) to a person with the required education and experience qualifications, until the person has had an opportunity to qualify by examination and be certified under this chapter."

Page 3, delete lines 34 through 42.

Delete page 4.

Page 5, delete lines 32 through 42.

Page 7, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 16. IC 13-18-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A permit is required for the construction, installation, or modification of:

- (1) sources;
- (2) facilities;
- (3) equipment; or
- (4) devices;

of a public water ~~supply~~ **system**, including water distribution systems.

(b) Plans and specifications for the construction, installation, or modification of sources, facilities, equipment, or devices of a public water ~~supply~~ **system** must be submitted to the commissioner with a permit application. The plans and specifications must be complete and of sufficient detail to show all proposed construction, changes, or modifications that may affect the sanitary quality, chemical quality, or adequacy of the public water ~~supply~~ **system** involved. The applicant shall supply any additional data or material considered appropriate by the commissioner to a review of the plans and specifications.

(c) Unless otherwise provided in rules adopted under section 8(b)

1 of this chapter, plans and specifications must be submitted to the
 2 commissioner with the permit application for water distribution
 3 systems.

4 (d) Construction, installation, or modification of a public water
 5 **supply system** may not begin until the commissioner has issued a
 6 permit under subsection (a).

7 (e) In determining whether to issue a permit under this section, the
 8 commissioner shall proceed under IC 13-15.

9 SECTION 17. IC 13-18-16-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. Plans and
 11 specifications submitted to the commissioner under section 1 of this
 12 chapter shall be approved if it is determined that the plans and
 13 specifications meet all of the following conditions:

14 (1) The plans and specifications are satisfactory with respect to
 15 the following:

16 (A) Sanitary quality, including chlorination, if required.

17 (B) Chemical quality.

18 (C) Adequacy of the water supply.

19 (2) The plans and specifications meet the requirements of any
 20 rules or standards adopted by the board under section 8 of this
 21 chapter governing the location, design, construction, and
 22 operation and maintenance of:

23 (A) public water **supply system** installations; and

24 (B) changes or additions to public water **supply system**
 25 installations.

26 SECTION 18. IC 13-18-16-6 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) All public water
 28 **supplies systems** shall be continuously operated and maintained so that
 29 water is:

30 (1) safe in quality;

31 (2) clean and adequate in quantity; and

32 (3) chemically satisfactory for ordinary domestic consumption.

33 (b) The person responsible for the operation of a public water
 34 **supply system** shall take all measures that are necessary to carry out
 35 the requirements of subsection (a) so as to protect the quality and
 36 quantity of the raw water supply from actual or threatened
 37 contamination. These measures include the relocation of the point of
 38 raw water collection to a site that is not contaminated or threatened by

1 contamination.

2 (c) The failure to carry out a duty set forth in subsection (a) or (b)
3 constitutes a violation subject to the penalties imposed under this
4 chapter. Each day a violation occurs under this section constitutes a
5 separate violation.

6 SECTION 19. IC 13-18-16-7 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. A person responsible
8 for the operation of public water ~~supplies~~ **systems** shall submit:

- 9 (1) samples of water for analysis; and
10 (2) reports of operation pertaining to the sanitary quality,
11 chemical quality, or adequacy of **water supplied by** those
12 ~~supplies; systems;~~

13 that the commissioner requests. The operator certified under
14 IC 13-18-11 must verify under oath the reports of operation.

15 SECTION 20. IC 13-18-16-8 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) The board shall
17 adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements
18 for the issuance of permits to control public water ~~supplies; systems,~~
19 including the following:

- 20 (1) Permits for the construction, installation, or modification of
21 facilities, equipment, or devices for any public water ~~supply:~~
22 **system.**

- 23 (2) Permits for the operation of sources, facilities, equipment, or
24 devices for any public water ~~supply:~~ **system.**

25 (b) The board shall adopt a permit by rule for water main extensions
26 (as defined in 327 IAC 8-3-1) to satisfy the permit requirement in
27 section 1(a) of this chapter.

28 SECTION 21. IC 13-18-16-10 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. The department
30 shall conduct a program of continuing surveillance and inspection of
31 public water ~~supplies~~ **systems** and technical assistance in connection
32 with public water ~~supplies:~~ **systems.**

33 SECTION 22. IC 13-18-16-11 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. The department
35 shall encourage and advise units of local government in developing
36 programs and facilities for public water ~~supplies:~~ **systems.**

37 SECTION 23. IC 13-18-16-12 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. A person may not:

(1) install or contract for the construction of any public water **supply system** facilities, including water purification or treatment works; or

(2) make any material change in any public water **supply system** facilities;

until a permit has been issued by the commissioner.

SECTION 24. IC 13-18-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) The commissioner may investigate and determine whether any public water **supply system** is **providing water that is** impure and dangerous to **public** health. If the commissioner determines that a **public** the water supply:

(1) is impure and dangerous to public health; or

(2) is not sufficiently purified because of improper construction, inadequate size, or inefficient management or operation;

the commissioner may under IC 13-30-3-10 through IC 13-30-3-12 order that the **public** water supply be made pure and safe to health.

(b) If the commissioner determines under subsection (a) that a **public** water supply is impure and dangerous to public health because of inefficient management or operation **of the public water system providing the water**, the commissioner may order the person responsible for the public water **supply system** to appoint, not later than fifteen (15) days after the commissioner's determination, a competent person to take charge of and superintend the operation of the water **supply system** plant or works.

(c) The commissioner must approve the person appointed in response to the commissioner's order under subsection (b). However, the person responsible for the water **supply system** plant or works shall pay the salary of the person appointed.

SECTION 25. IC 13-18-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The board shall adopt rules under IC 4-22-2 to establish protection zones around community water system wells.

(b) The state agencies referred to in section 5(b) of this chapter may not permit activities within the zones established under subsection (a) that would violate the rules or interfere with the purposes of the rules.

(c) The department shall establish and operate a program of education and assistance to local officials in developing and managing

1 well field protection zones.

2 (d) The rules adopted under subsection (a) or any zoning under
3 IC 36-7 to establish protection zones around community water system
4 wells may not restrict any activity by:

- 5 (1) an owner of land;
6 (2) a mineral owner; or
7 (3) a mineral leaseholder of record;

8 unless the owner or leaseholder is sent written notice of, and has an
9 opportunity to be heard on, the establishment of the zone and the
10 construction of the community **public** water ~~supply~~ system that caused
11 the establishment of the zone.

12 (e) A person that requests a permit for construction of a community
13 water system or establishment of a well field protection zone is
14 responsible for any notice requirements the board establishes.

15 SECTION 26. IC 13-18-20-9 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. For public water
17 ~~supply~~ **system** permits, the annual base fee per facility is:

- 18 (1) one thousand dollars (\$1,000) for a major permit; and
19 (2) four hundred dollars (\$400) for a minor permit;
20 plus the following annual discharge flow fee per facility based on
21 projected daily average flow in MGD as set forth in a facility NPDES
22 permit:

Projected Daily Average	
Flow in MGD	Fee
.001 - .05	\$240
.051 - .1	\$360
.101 - .2	\$840
.201 - .3	\$1,200
.301 - .5	\$1,680
.501 - 1.0	\$2,060
1.001 - 2.0	\$3,600
2.001 - 5.0	\$5,400
5.001 - 10.0	\$8,400
10.001 - 15.0	\$12,000
15.001 - 30.0	\$16,800
30.001 - 50.0	\$22,800
50.001 - 100.0	\$28,800
> 100.0	\$34,800".

- 1 Page 7, line 30, reset in roman "department and the".
- 2 Page 7, line 34, reset in roman "department and the".
- 3 Page 7, line 34, reset in roman "jointly".
- 4 Page 8, line 14, reset in roman "The department has primary".
- 5 Page 8, line 15, reset in roman "responsibility to carry out this
- 6 subsection.".
- 7 Page 8, delete lines 20 through 42.
- 8 Delete page 9.
- 9 Page 10, delete line 1.
- 10 Page 15, after line 42, begin a new paragraph and insert:
- 11 "SECTION 32. IC 16-41-27-10 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. A mobile home
- 13 park shall provide a water supply through the use of a public water
- 14 ~~supply~~ system if the water supply is reasonably available within a
- 15 reasonable distance from the mobile home park. A mobile home park
- 16 is not required to use a public water ~~supply system~~ if the water system
- 17 is more than two thousand (2,000) feet from the mobile home park. If
- 18 a public water ~~supply~~ system is not available, water shall be provided
- 19 by a system approved by the environmental commissioner under rules
- 20 adopted by the water pollution control board.
- 21 SECTION 33. IC 16-41-27-22 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 22. (a) The
- 23 construction of a new mobile home park or alteration of an existing
- 24 mobile home park shall be made only after plans for the proposed
- 25 construction or alteration have been forwarded to and approved by the
- 26 state department.
- 27 (b) A **public** water ~~supply~~ system may not be constructed or altered
- 28 in a new or existing mobile home park until plans for the construction
- 29 or alteration have been forwarded to and approved by the
- 30 environmental commissioner under rules adopted by the water board.
- 31 (c) A sewage collection and disposal system may not be constructed
- 32 or altered in a new or existing mobile home park until:
- 33 (1) plans for construction or alteration of the sewage collection
- 34 system and any septic tank absorption field have been forwarded
- 35 to and approved by the state department under rules adopted by
- 36 the state department; and
- 37 (2) plans for construction or alteration of any sewage disposal
- 38 system other than a septic tank absorption field have been

- 1 forwarded to and approved by the environmental commissioner
- 2 under rules adopted by the water board."
- 3 Page 16, line 2, delete "IC 13-18-13-4; IC 13-18-13-5;
- 4 IC 13-18-13-6;" and insert "IC 13-11-2-177; IC 13-11-2-263."
- 5 Page 16, delete line 3.
- 6 Page 16, line 4, after "agency" insert "**and the department of**
- 7 **environmental management**".
- 8 Page 16, line 5, after "shall" insert "**jointly**".
- 9 Page 16, line 5, delete "implement:" and insert "**implement**
- 10 **IC 13-18-22, as added by this act.**".
- 11 Page 16, delete lines 6 through 7.
- 12 Renumber all SECTIONS consecutively.
(Reference is to HB 1329 as introduced.)

and when so amended that said bill do pass.

Representative Weinzapfel